

said northerly right-of-way of County Road North 46° 17' 18" West 70.92 feet, thence North 41° 56' 22" West 86.18 feet, thence North 36° 55' 21" West 86.29 feet, thence North 33° 04' 49" West 111.09 feet, thence North 31° 53' 10" West 289.85 feet to the place of beginning and containing 18.076 acres more or less and subject to existing easements and right-of ways.

4. AGENCY. The U.S. EPA is the agency responsible for overseeing the investigation and remediation of the Site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") program.
5. SOIL REMEDIATION. Under the direction of the U.S.EPA, soil remediation activities, including soil excavation, off-site removal of soils with contaminant concentrations above U.S. EPA-approved cleanup levels and capping of the Site were completed on December 1, 1995 with a final inspection performed by the U.S. EPA and Arkansas Department of Pollution Control and Ecology ("ADPCE"); now known as the Arkansas Department of Environmental Quality ("ADEQ") on December 13, 1995. As defined by the 1990 Record of Decision ("ROD") for the Site, soil cleanup levels were established at industrial levels, specifically, 300 mg/kg pentachlorophenol ("PCP"), 20 ug/kg dioxin ("2,3,7,8-TCDD") and 6.0 mg/kg carcinogenic polynuclear aromatic hydrocarbons ("Benzo(a)pyrene").
6. RESIDUAL SOIL CONTAMINATION. Pursuant to the ROD, soil contamination remains at the Site in concentrations that do not allow for unlimited use and unrestricted exposures at the Site. Notice and warning of the residual contamination on the Site is necessary to prevent any inappropriate land uses (i.e., non-industrial).
7. ~~GROUNDWATER~~ CONTAMINATION. Under the direction of the U.S.EPA, ~~SHALLOW~~ treatment of PCP in water emanating from downgradient of the Site was implemented in 1997. Groundwater extraction and use of the groundwater underlying the Site is prohibited, except as authorized by the U.S. EPA and/or ADEQ for approved investigation, monitoring or remediation activities. ~~THE THREE (3) EXISTING DEEP (BELOW 200 FEET) ARE NOT GROUND WATER AND MAY BE USED.~~
8. ENGINEERING CONTROLS. The engineering controls at the Site include: ARE LIMITED TO:
 - i) a secure fence around the accessible areas of the Site as depicted in Exhibit D (Figure 4);
 - ii) a topsoil and grass cover cap as depicted in Exhibit E (Figure 5); and ~~(SEE ATT.)~~ AND
 - iii) a storm water control system.
9. CONTINUING INSPECTION, MAINTENANCE AND OPERATION: Use of the Site by any and all persons is subject to the inspection, maintenance and operation of the engineering controls in Section 8 above and ensuring that the remedial action of which each engineering control is a part remains protective of human health, safety and the environment.
10. FUTURE LAND USE. This ~~Corrected~~ Deed Notice and Restrictions is being recorded to the title to the Site, in part, to ensure that any future use of the Site is limited to industrial use. Residential or commercial uses shall be prohibited.
11. LAND USE RESTRICTIONS. Use of the Site by any and all persons is subject to the following land use restrictions:

① THE TOP SOIL AND GRASS COVER MAY BE REPLACED WITH CONCRETE, ASPHALT OR OTHER MATERIAL ACCEPTABLE TO THE EPA AND ADEQ. SAID APPROVAL MAY NOT BE UNREASONABLE.

- i. No digging in the capped area unless prior written approval is obtained from the U.S. EPA, in consultation with ADEQ, based on the submittal of a proposed excavation plan. WITHELD
- ii. No activities that cause soil erosion and/or disrupt the integrity of the capped area. ①
- iii. No extraction or use, for any purpose, of the ground water underlying the Site, except as authorized by the U.S. EPA and/or ADEQ for investigation, monitoring or remediation.
- iv. No activities that will affect the integrity of any current or future remedial or monitoring system such as ground water monitoring wells and/or impermeable reactive barriers.
- v. No development of the Site for residential or commercial use or any other non-industrial use.

The land use restrictions apply to the entirety of the affected Property described herein above.

12. ACCESS. The U.S. EPA, ADEQ and their agents and representatives shall have full access to the Site at all times to inspect and evaluate the continued protectiveness of the remedial action or for other purposes authorized under Federal and Arkansas law, including this Corrected Deed Notice and Restrictions.

13. NOTICES. The Owner and subsequent owners shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply fully with the requirements in this Corrected Deed Notice and Restrictions. Nothing contained in this paragraph shall be construed as limiting any obligation of any person to provide any notifications required by any law, regulation, or order of any governmental authority. The Owner and any subsequent owners shall provide written notice to the U.S. EPA, ADEQ and McKesson Corporation at least 30 calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property. ~~EXCEPT, SAID NOTICE IS NOT REQUIRED~~

~~WHEN CONVEYANCE IS TO A BENEFICIARY OF THE ESTATE.~~

The Owner and any subsequent owners shall submit written notice under Section 13 above to:

Superfund Division, Remedial Branch
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

AND

Arkansas Department of Environmental Quality
Chief, Hazardous Waste Division
5301 Northshore Drive
North Little Rock, AR 72118

AND

~~McKesson Corporation
Real Estate Department
One Post Street, 34th Floor
San Francisco, CA 94104~~

14. ENFORCEMENT OF VIOLATIONS. This Corrected Deed Notice and Restrictions is intended, in part, to provide notice that future use of the Site is restricted to industrial use, to